

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2008-0230-IHW-E TCEQ ID: RN102320850 CASE NO.: 35349
RESPONDENT NAME: Chevron Phillips Chemical Company LP

Page 1 of 2

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input checked="" type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Philtex Ryton Plant, Spur 119 North, 3 miles northeast of Borger, Hutchinson County</p> <p>TYPE OF OPERATION: Chemical manufacturing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement action regarding this facility location, Docket No. 2008-0916-AIR-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on August 4, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768 TCEQ Enforcement Coordinator: Ms. Cheryl Thompson, Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5886; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Brian Stone, P.E., Environmental Engineer, Chevron Phillips Chemical Company LP, P.O. Box 968, Borger, Texas 79008-0968 Mr. D. P. Digman, Plant Manager, Chevron Phillips Chemical Company LP, P.O. Box 968, Borger, Texas 79008-0968 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

**TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY**
2008 SEP 22 AM 11:22
CHIEF CLERKS OFFICE

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: December 12, 2007</p> <p>Date of NOV/NOE Relating to this Case: January 18, 2008 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WASTE</p> <p>1) Failure to prevent the unauthorized disposal of industrial hazardous waste. Specifically, 8,300 pounds of D003 reactive sulfide was placed into an unpermitted, off-site, industrial, non-hazardous Class I landfill owned and operated by Conoco Phillips [30 TEX. ADMIN. CODE § 335.4].</p> <p>2) Failure to label or mark clearly with any one of the following phrases: "Universal Waste – Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)" each lamp or a container or package in which such lamps are contained and failure to be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received by placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received. Specifically, three drums in the container storage area containing mercury-containing light bulbs were not labeled "Universal Waste - Lamps" and were not clearly labeled with the beginning date of accumulation [40 CODE OF FEDERAL REGULATIONS §§ 273.34(e) and 273.35(c)(1) and 30 TEX. ADMIN. CODE § 335.261(a)].</p>	<p>Total Assessed: \$36,974</p> <p>Total Deferred: \$7,394 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$14,790</p> <p>Total Paid to General Revenue: \$14,790</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that the Respondent clearly marked the start date of accumulation on three 55-gallon drums containing universal waste on December 13, 2007. The TCEQ received documentation on December 13, 2007 from the Respondent of the corrective action taken; and</p> <p>2) The Executive Director recognizes that the Respondent sent documentation via electronic-mail on February 19, 2008 of new procedures designed "to prevent someone from dumping the lugger until approvals are received."</p> <p>Ordering Provisions:</p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Develop and implement procedures to ensure that all wastes generated at the Facility are transported to and disposed of at facilities permitted to accept them; and</p> <p>ii. Develop and implement procedures to ensure that containers containing universal waste have the beginning date of accumulation clearly marked and visible for inspection.</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.</p> <p align="right">Additional ID No(s): 30131</p>

Attachment A
Docket Number: 2008-0230-IHW-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Chevron Phillips Chemical Company LP
Payable Penalty Amount:	Twenty-Nine Thousand Five Hundred Eighty Dollars (\$29,580)
SEP Amount:	Fourteen Thousand Seven Hundred Ninety Dollars (\$14,790)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Unauthorized Trash Dump Clean-Up
Location of SEP:	Hutchinson County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to coordinate with city and/or county governmental officials regarding the clean up of sites where trash has been disposed of illegally. Eligible sites will be limited to those where a responsible party can not be identified and where there is no pre-existing obligation to clean up the site by the owner or the government. Additionally, reasonable efforts must have already been taken to prevent the dumping. SEP monies will be used to pay for the direct cost of collection and disposal of debris. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by helping rid communities of the dangers and health threats associated with non-regulated trash dumps which contaminate air and water, and harbor disease carrying animals and insects.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

TCEQ

DATES

Assigned

22-Jan-2008

PCW

29-Jan-2008

Screening

4-Feb-2008

EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent Chevron Phillips Chemical Company LP

Reg. Ent. Ref. No. RN102320850

Facility/Site Region 1-Amarillo

Major/Minor Source Major

CASE INFORMATION

Enf./Case ID No. 35349

Docket No. 2008-0230-IHW-E

Media Program(s) Industrial and Hazardous Waste

Multi-Media

Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000

No. of Violations 2

Order Type 1660

Enf. Coordinator Cynthia McKaughan

EC's Team Enforcement Team 7

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$17,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 159% Enhancement Subtotals 2, 3, & 7 \$27,825

Notes The Respondent has had one court order, six administrative orders, eight previous NOV's for dissimilar violations, five NOIs, and one DOV.

Culpability

No

0% Enhancement

Subtotal 4 \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

0% Reduction

Subtotal 5 \$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes The Respondent does not meet the good faith criteria.

0% Enhancement*

Subtotal 6 \$0

Total EB Amounts \$1,925

Approx. Cost of Compliance \$2,880

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal \$45,325

OTHER FACTORS AS JUSTICE MAY REQUIRE

4%

Adjustment \$1,880

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Recommend an adjustment to capture the avoided cost associated with Violation No. 1.

Final Penalty Amount \$47,205

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$36,974

DEFERRAL

20%

Reduction

Adjustment -\$7,394

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$29,580

Screening Date 4-Feb-2008

Docket No. 2008-0230-IHW-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 2 (September 2002)

Case ID No. 35349

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN102320850

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Cynthia McKaughan

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	8	16%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	6	120%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	5	-5%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	1	-2%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 159%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

The Respondent has had one court order, six administrative orders, eight previous NOVs for dissimilar violations, five NOIs, and one DOV.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 159%

Screening Date 4-Feb-2008 **Docket No.** 2008-0230-IHW-E **PCW**
Respondent Chevron Phillips Chemical Company LP *Policy Revision 2 (September 2002)*
Case ID No. 35349 *PCW Revision November 6, 2007*

Reg. Ent. Reference No. RN102320850

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Cynthia McKaughan

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 335.4

Violation Description

Failed to prevent the unauthorized disposal of industrial hazardous waste, as documented during an investigation conducted on December 12, 2007. Specifically, 8,300 pounds of D003 reactive sulfide was placed into an unpermitted, off-site, industrial, non-hazardous Class I landfill owned and operated by Conoco Phillips.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm		
		Major	Moderate	Minor
	Actual			
	Potential	x		

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to pollutants which would exceed protective levels as a result of the violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 2

54

Number of violation days

mark only one with an x	daily	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$10,000

Two monthly events from the December 12, 2007 investigation date to the February 4, 2008 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,903

Violation Final Penalty Total \$26,974

This violation Final Assessed Penalty (adjusted for limits) \$26,974

Economic Benefit Worksheet

Respondent Chevron Phillips Chemical Company LP
Case ID No. 35349
Reg. Ent. Reference No. RN102320850.
Media Industrial and Hazardous Waste
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	9-Nov-2007	17-Oct-2008	0.9	\$23	n/a	\$23

Notes for DELAYED costs

Develop and implement procedures to ensure that all wastes generated at the Facility are transported to and disposed of at facilities permitted to accept them. Date Required is the date of the disposal of the characteristically hazardous waste into an unauthorized landfill disposal unit, and the Final Date is the estimated date of compliance.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$1,880	9-Nov-2007	9-Nov-2007	0.0	\$0	\$1,880	\$1,880
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to dispose of 8,300 pounds (3.76 metric tons) of D003 Hazardous Waste Reactive Sulfide hazardous waste at an authorized facility based on a cost of \$500 per ton for disposal. Date Required and Final Date is the date of the disposal of the characteristically hazardous waste into an unauthorized landfill disposal unit.

Approx. Cost of Compliance	\$2,380	TOTAL	\$1,903
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Screening Date 4-Feb-2008
Respondent Chevron Phillips Chemical Company LP
Case ID No. 35349
Reg. Ent. Reference No. RN102320850
Media [Statute] Industrial and Hazardous Waste
Enf. Coordinator Cynthia McKaughan
Violation Number 2
Rule Cite(s) 40 Code of Federal Regulations §§ 273.34(e) and 273.35(c)(1) and 30 Tex. Admin. Code § 335.261(a)
Docket No. 2008-0230-IHW-E
PCW
 Policy Revision 2 (September 2002)
 PCW Revision November 6, 2007

Violation Description

Failed to label or mark clearly with any one of the following phrases: "Universal Waste – Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)" each lamp or a container or package in which such lamps are contained and failed to be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received by placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received, as documented during an investigation conducted on December 12, 2007. Specifically, three drums in the container storage area were not clearly labeled with the beginning date of accumulation.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor
		x		

Percent 25%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 3

1 **Number of violation days**

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$7,500

Three single events (one event per container) are recommended.

Economic Benefit (EB) for this violation**Statutory Limit Test**

Estimated EB Amount \$21

Violation Final Penalty Total \$20,231

This violation Final Assessed Penalty (adjusted for limits) \$10,000

Economic Benefit Worksheet

Respondent Chevron Phillips Chemical Company LP
Case ID No. 35349
Reg. Ent. Reference No. RN102320850
Media Industrial and Hazardous Waste
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$500	12-Dec-2007	17-Oct-2008	0.8	\$21	n/a	\$21
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to develop and implement procedures to ensure that containers containing hazardous waste have the beginning date of accumulation clearly marked and visible for inspection. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$500

TOTAL \$21

Compliance History

Customer/Respondent/Owner-Operator:	CN600303614	CHEVRON PHILLIPS CHEMICAL COMPANY LP	Classification: AVERAGE	Rating: 2.95
Regulated Entity:	RN102320850	PHILTEX RYTON PLANT	Classification: AVERAGE	Site Rating: 11.57
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD041516709	
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30131	
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50254	
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50254	
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50018	
	AIR NEW SOURCE PERMITS	PERMIT	39927	
	AIR NEW SOURCE PERMITS	PERMIT	40813	
	AIR NEW SOURCE PERMITS	PERMIT	41609	
	AIR NEW SOURCE PERMITS	PERMIT	45470	
	AIR NEW SOURCE PERMITS	PERMIT	45708	
	AIR NEW SOURCE PERMITS	PERMIT	46022	
	AIR NEW SOURCE PERMITS	PERMIT	46698	
	AIR NEW SOURCE PERMITS	PERMIT	47618	
	AIR NEW SOURCE PERMITS	PERMIT	47873	
	AIR NEW SOURCE PERMITS	PERMIT	48389	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HW0013C	
	AIR NEW SOURCE PERMITS	PERMIT	7172	
	AIR NEW SOURCE PERMITS	PERMIT	7173A	
	AIR NEW SOURCE PERMITS	PERMIT	7719A	
	AIR NEW SOURCE PERMITS	PERMIT	8144A	
	AIR NEW SOURCE PERMITS	PERMIT	3251A	
	AIR NEW SOURCE PERMITS	PERMIT	18508	
	AIR NEW SOURCE PERMITS	PERMIT	19952	
	AIR NEW SOURCE PERMITS	PERMIT	20304	
	AIR NEW SOURCE PERMITS	PERMIT	21918	
	AIR NEW SOURCE PERMITS	PERMIT	31409	
	AIR NEW SOURCE PERMITS	PERMIT	55433	
	AIR NEW SOURCE PERMITS	REGISTRATION	70021	
	AIR NEW SOURCE PERMITS	AFS NUM	4823300004	
	AIR NEW SOURCE PERMITS	PERMIT	71299	
	AIR NEW SOURCE PERMITS	PERMIT	54297	
	AIR NEW SOURCE PERMITS	PERMIT	53267	
	AIR NEW SOURCE PERMITS	PERMIT	53320	
	AIR NEW SOURCE PERMITS	PERMIT	50537	
	AIR NEW SOURCE PERMITS	REGISTRATION	72623	
	AIR NEW SOURCE PERMITS	REGISTRATION	74568	
	AIR NEW SOURCE PERMITS	REGISTRATION	75050	
	AIR NEW SOURCE PERMITS	REGISTRATION	81490	
	AIR NEW SOURCE PERMITS	REGISTRATION	83284	
	AIR NEW SOURCE PERMITS	REGISTRATION	84319	
	AIR NEW SOURCE PERMITS	REGISTRATION	83292	
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW381	
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW067	
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW068	
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW219	
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW325	
	AIR OPERATING PERMITS	ACCOUNT NUMBER	HW0013C	
	AIR OPERATING PERMITS	PERMIT	2164	
	AIR OPERATING PERMITS	PERMIT	2165	
	AIR OPERATING PERMITS	PERMIT	2166	
	AIR OPERATING PERMITS	PERMIT	1440	
	WASTEWATER	PERMIT	WQ0002484000	
	WASTEWATER	PERMIT	TPDES0095869	
	WASTEWATER	PERMIT	TX0095869	
	STORMWATER	PERMIT	TXR157330	

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # 30131
(SWR)
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50254
COMPLIANCE PLANS

Location: SPUR 119 N 3 MILES NE OF, BORGER, TX, 79007 Rating Date: September 01 07 Repeat Violator: NO
TCEQ Region: REGION 01 - AMARILLO
Date Compliance History Prepared: May 01, 2008
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: January 22, 2003 to January 22, 2008

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Cynthia McKaughan Phone: (512) 239-0735

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 08/12/2003

COURTORDER

Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.122(a)
40 CFR Part 63, Subpart G 63.117(a)
40 CFR Part 63, Subpart G 63.152(b)

Description: Failed to submit NOCs for unit 45.

Classification: Minor

Citation: 40 CFR Part 63, Subpart H 63.182(c)

Description: Failed to timely submit NOCs for sulfolane chemical group.

Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)

Description: Failed to submit complete semiannual reports for 1995-1999.

Classification: Moderate

Citation: 40 CFR Part 63, Subpart R 63.422(a)

Description: Failed to timely notify trucking company of each non-vapor tight gasoline tank loaded.

Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT Q 63.422(d)

Description: Failed to have thermal oxidizer operational by compliance date of 12/15/97.

Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT Q 63.428(e)

40 CFR Part 63, Subpart R 63.424(b)

Description: Monthly leak detection records for 1998 and 1999 were incomplete;

Classification: Moderate

Citation: 40 CFR Part 63, Subpart R 63.427(b)

Description: Failed to maintain a temperature of 1240 degrees F in the thermal oxidizer during the loading process.

Classification: Minor

Citation: 40 CFR Part 63, Subpart R 63.428(b)

Description: Annual certification report for tightness of cargo tank were incomplete.

Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT Q 63.428(f)

Description: NOCs submitted for leak equipment was incomplete.

Classification: Minor

Citation: 40 CFR Part 63, Subpart R 63.428(g)

Description: Failed to have available documents to support the 5 leaks reported in the semiannual report dated 7/30/99

Classification: Minor
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT Q 63.428(h)
Description: Incomplete excess emission report dated 7/30/99.

Effective Date: 11/06/2005 ADMINORDER 2005-0704-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(c)(9)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: General Condition No. 1 PERMIT

Description: Failed to operate the North Flare (EPN FL-1) in the manner designed to prevent the release of unauthorized emissions during Incident No. 48675. Since this emissions event was foreseeable and avoidable, and the air pollution control equipment was not operated in a manner consistent with good practice for minimizing emi

Effective Date: 11/06/2005 ADMINORDER 2004-0231-AIR-E

Classification: Major
Citation: 30 TAC Chapter 116, SubChapter G 116.715(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 21918 PERMIT
Special Condition 2 PERMIT

Description: Chevron Phillips Chemical Company LP, Philtex Ryton Plant failed to meet the plant wide SO2 emission CAP of Flexible Permit no. 21918, during emission testing of the North H2S Flare (FL-1), the South HC Flare (FL-2) and the Sulfolene Flaker Scrubber Stack (M2A) from July 9, 2003 through July 18, 2003.

Effective Date: 02/20/2006 ADMINORDER 2005-0094-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: General Condition No. 1 PERMIT

Description: Failed to maintain an emission rate below represented levels during Incident No. 39918. Since these emissions were avoidable and reported late the respondent failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: General Condition No. 1 PERMIT

Description: Failed to maintain an emission rate below represented levels during Incident No. 40338. Since these emissions were avoidable the respondent failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to submit the initial report for Incident No. 39918 within 24 hours after discovery.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to identify all compounds known to have been released during Incident No. 42118 on the final report.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: General Condition No. 1 PERMIT

Description: Failed to maintain an emission rate below represented levels during Incident No. 42118. Since these emissions were incompletely reported the respondent failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Effective Date: 04/29/2006 ADMINORDER 2005-1638-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition No. 2 PERMIT

Description: Failed to comply with permitted emissions limits.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition No. 2 PERMIT

Description: Failed to comply with permitted emissions limits.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition No. 17.C. PERMIT

Description: Failed to keep complete records.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition No. 32 PERMIT

Description: Failed to control vapors from a loading operation.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition Nos. 35.F. and 35.I. PERMIT

Description: Failed to properly repair and monitor fugitive emission components in volatile organic compound ("VOC") service

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition No. 46 PERMIT

Description: Failed to use data required by the permit in emissions calculations.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.146(5)(C)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Description: Failed to include all instances of deviations in a report.

Effective Date: 05/12/2006

ADMINORDER 2004-0958-AIR-E

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failed to comply with the statutory prohibition on emission of unauthorized air contaminants during Incident No. 33602.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failed to comply with the statutory prohibition on emission of unauthorized air contaminants during Incident No. 33418.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to submit the initial upset report for Incident No. 33418 in a timely manner.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.110
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
40 CFR Part 63, Subpart A 63.11(b)(5)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 2 PERMIT

Description: Failed to maintain an emission rate below the plant-wide maximum allowable emission limits of 45.03 lbs/hr of 1,3-butadiene during Incident No. 38501.

Classification: Major

Citation: 30 TAC Chapter 113, SubChapter C 113.110
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Part 63, Subpart F 63.104(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC NO. 6 PERMIT

Description: Failed to monitor Unit 45 cooling tower water associated with the heat exchanger.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Part 63, Subpart A 63.11(b)(5)
40 CFR Part 63, Subpart H 63.172(d)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC NO. 6 PERMIT

Description: Failed to ensure that the emission control device is operational during the venting of Hazardous Air Pollutants.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(2)(i)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC NO. 6 PERMIT

Description: Failed to accurately report the number of valves monitored in August and November of 2003 on the semiannual report for the period of July 1 through December 31, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.230
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT XX 60.502(e)(3)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT XX 60.502(e)(4)
40 CFR Part 63, Subpart R 63.422(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC NO. 6 PERMIT

Description: Failed to cross-check the tank identification numbers (Trailers Groendyke No. 356, BAFU 888703-6, and NATX 36035) with the tank vapor tightness documentation, and failed to notify the owners of trucks with invalid truck tightness documentation within the required time frames after the tanks were loaded.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.230
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT XX 60.502(e)(5)
40 CFR Part 63, Subpart R 63.422(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC NO. 6 PERMIT

Description: Failed to assure that a nonvapor-tight tank (Groendyke No. 35, loaded on July 10 and August 25, 2003) would not be reloaded before obtaining vapor tightness documentation.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.230
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)
40 CFR Part 63, Subpart R 63.425(d)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC NO. 6 PERMIT

Description: Failed to conduct a visual inspection of the internal floating roof and the seal of Tank H-6 after the tank was emptied on February 20, 2003.

Effective Date: 07/22/2006

ADMINORDER 2006-0189-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: The facility failed to obtain an authorization for the unauthorized emissions during the incident No. 67916.

See addendum for information regarding federal actions.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	02/06/2003	(216892)
2	03/06/2003	(216895)
3	03/28/2003	(28321)
4	03/28/2003	(28673)
5	04/09/2003	(216898)
6	04/22/2003	(34206)
7	04/22/2003	(34200)
8	04/22/2003	(34204)
9	04/22/2003	(34209)
10	05/19/2003	(320181)
11	06/06/2003	(320182)
12	07/07/2003	(320183)
13	07/08/2003	(126195)

14	08/05/2003	(147327)
15	08/05/2003	(147335)
16	08/05/2003	(147317)
17	08/12/2003	(320184)
18	08/14/2003	(149297)
19	08/21/2003	(150748)
20	08/29/2003	(153034)
21	09/11/2003	(320185)
22	10/17/2003	(320186)
23	11/12/2003	(253161)
24	11/12/2003	(253165)
25	11/12/2003	(253166)
26	11/19/2003	(320187)
27	12/16/2003	(320188)
28	01/09/2004	(255887)
29	01/09/2004	(256581)
30	01/09/2004	(256582)
31	01/12/2004	(259367)
32	01/12/2004	(259565)
33	01/20/2004	(320189)
34	01/30/2004	(261502)
35	01/30/2004	(261425)
36	01/30/2004	(261511)
37	02/13/2004	(320178)
38	02/27/2004	(264406)
39	03/04/2004	(263430)
40	03/16/2004	(250901)
41	03/16/2004	(320179)
42	03/26/2004	(266447)
43	03/26/2004	(266444)
44	03/26/2004	(266437)
45	04/16/2004	(320180)
46	05/24/2004	(362754)
47	06/07/2004	(362755)
48	06/16/2004	(266883)
49	06/16/2004	(274162)
50	06/16/2004	(266957)
51	07/12/2004	(362756)
52	07/16/2004	(281204)
53	07/16/2004	(281245)
54	07/19/2004	(281318)
55	08/07/2004	(281128)
56	08/12/2004	(288970)
57	08/20/2004	(362757)
58	09/02/2004	(291233)
59	09/02/2004	(291242)
60	09/07/2004	(291422)
61	09/08/2004	(291216)
62	09/09/2004	(362758)
63	10/08/2004	(362759)
64	10/15/2004	(337419)
65	10/15/2004	(337435)
66	10/15/2004	(337438)
67	10/16/2004	(335621)
68	11/05/2004	(339445)
69	11/16/2004	(387907)
70	12/28/2004	(340368)
71	12/28/2004	(340456)
72	12/29/2004	(345469)
73	01/05/2005	(387908)
74	01/07/2005	(346409)
75	01/07/2005	(346404)
76	02/07/2005	(425539)
77	02/16/2005	(350931)
78	03/03/2005	(345470)
79	03/03/2005	(372701)
80	03/03/2005	(372692)
81	03/03/2005	(372687)

82	03/14/2005	(425540)
83	04/13/2005	(425541)
84	05/16/2005	(425542)
85	06/02/2005	(394562)
86	06/06/2005	(425543)
87	06/17/2005	(396391)
88	07/22/2005	(446091)
89	08/05/2005	(446092)
90	08/26/2005	(400663)
91	09/07/2005	(446093)
92	09/08/2005	(431180)
93	09/08/2005	(431139)
94	09/08/2005	(431163)
95	10/11/2005	(478290)
96	11/10/2005	(478291)
97	12/15/2005	(478292)
98	01/05/2006	(451253)
99	01/05/2006	(451244)
100	01/05/2006	(451257)
101	01/23/2006	(478293)
102	02/06/2006	(478288)
103	02/13/2006	(455043)
104	02/16/2006	(435821)
105	02/16/2006	(454969)
106	03/10/2006	(478289)
107	03/13/2006	(458844)
108	03/23/2006	(459163)
109	04/20/2006	(504534)
110	04/25/2006	(463313)
111	04/25/2006	(463322)
112	04/25/2006	(463321)
113	05/08/2006	(504535)
114	05/22/2006	(467041)
115	05/25/2006	(463016)
116	06/07/2006	(526852)
117	08/04/2006	(526854)
118	08/18/2006	(509410)
119	09/06/2006	(526853)
120	09/18/2006	(526855)
121	10/03/2006	(514879)
122	10/03/2006	(514853)
123	10/03/2006	(513315)
124	10/03/2006	(513316)
125	10/03/2006	(514870)
126	10/03/2006	(513312)
127	10/06/2006	(550824)
128	10/16/2006	(515500)
129	10/31/2006	(517537)
130	11/03/2006	(550825)
131	12/15/2006	(534378)
132	12/20/2006	(534635)
133	01/04/2007	(535636)
134	01/08/2007	(587249)
135	01/31/2007	(538435)
136	02/09/2007	(587244)
137	02/26/2007	(541686)
138	02/27/2007	(541900)
139	02/27/2007	(541861)
140	03/05/2007	(587245)
141	03/09/2007	(542571)
142	03/09/2007	(542559)
143	03/23/2007	(554148)
144	03/26/2007	(553818)
145	03/26/2007	(553892)
146	04/11/2007	(556514)
147	04/11/2007	(556504)
148	04/11/2007	(556516)
149	04/13/2007	(556570)

150 04/13/2007 (556572)
 151 04/13/2007 (556569)
 152 04/16/2007 (587246)
 153 04/30/2007 (556728)
 154 05/03/2007 (587247)
 155 05/17/2007 (555906)
 156 06/01/2007 (561465)
 157 06/08/2007 (587248)
 158 07/16/2007 (604964)
 159 08/06/2007 (569756)
 160 08/08/2007 (604965)
 161 09/20/2007 (604966)
 162 09/24/2007 (595458)
 163 09/24/2007 (595445)
 164 09/24/2007 (595457)
 165 10/03/2007 (594741)
 166 10/16/2007 (626933)
 167 10/30/2007 (597142)
 168 11/20/2007 (626934)
 169 12/07/2007 (626935)
 170 01/04/2008 (610798)
 171 01/04/2008 (610787)
 172 01/18/2008 (610441)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 06/30/2003 (320183)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 03/10/2004 (250901)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 Description: The review of information for two incidents reported by Chevron-Phillips indicated that the facility was in violation of the provisions of the New Source Review (NSR) permit No. 21918 by failing to satisfy the criteria specified in the provisions of §101.222.
 Date: 03/23/2006 (459163)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT Effluent Limitations and Monitoring
 Description: Failure to meet effluent limitations for pH, at outfall 001.
 Date: 04/26/2006 (463322)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 331, SubChapter D 331.65(b)(3)
 Rqmt Prov: PERMIT XI. Additional Requirements E.
 Description: Failure to submit the WDW-219 Injection Zone Annual Report for the operating year 2005, by January 20, 2006, as required by 30 TAC 331.65.
 Date: 04/26/2006 (463321)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 331, SubChapter D 331.65(b)(3)
 Rqmt Prov: PERMIT XI. Additional Requirements E.
 Description: Failure to submit the WDW-068 Injection Zone Report for the operating year 2005 by January 20, 2006, as required by 30 TAC 331.65.
 Date: 04/26/2006 (463313)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 331, SubChapter D 331.65(b)(3)
 Rqmt Prov: PERMIT XI. Additional Requirements
 Description: Failure to submit the WDW-067 Injection Zone Annual Report for the operating year 2005 by January 20, 2006, as required by 30 TAC 331.65.
 Date: 05/25/2006 (463016)
 Self Report? NO Classification: Moderate
 Citation: 40 CFR Part 60, Subpart Kb 60.112b(a)(1)(i)
 Description: The facility failed to comply with the provisions of Subpart Kb standards.
 Self Report? NO Classification: Moderate

Citation: 40 CFR Part 60, Subpart A 60.18(c)(2)
 40 CFR Part 60, Subpart Kb 60.112b(a)(3)
 Description: The facility failed to comply with the provisions of Subpart Kb standards.
 Self Report? NO Classification: Moderate
 Citation: 40 CFR Part 60, Subpart VV 60.482-2
 Description: The facility failed to comply with the provisions of Subpart VV.
 Self Report? NO Classification: Moderate
 Citation: 40 CFR Part 60, Subpart VV 60.482-5
 Description: The facility failed to comply with the provisions of Subpart VV.
 Self Report? NO Classification: Moderate
 Citation: 40 CFR Part 60, Subpart VV 60.482-6
 Description: The facility failed to comply with the provisions of Subpart VV.
 Self Report? NO Classification: Moderate
 Citation: 40 CFR Part 60, Subpart VV 60.482-7
 Description: The facility failed to comply with the provisions of Subpart VV.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Description: The facility failed to comply with the provisions of the specila condition No. 35 of the permit number 21918 by failing to monitor valves associated with the closed vent system for the North Flare.
 Date: 12/20/2006 (534635)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 106, SubChapter T 106.454(3)(B)
 Description: failure to keep cold solvent cleaner lid closed
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 106, SubChapter T 106.454(1)(E)
 Description: failure to label cold solvent cleaner
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 Description: failure to test mercaptan loading dock scrubber every five years
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 Description: failure to include sulfur compounds in 2005 annual flare test for FL-2
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)
 Description: failure to include deviation in deviation report

F. Environmental audits.

Notice of Intent Date: 03/25/2003 (31565)
 No DOV Associated
 Notice of Intent Date: 02/15/2005 (372352)
 No DOV Associated
 Notice of Intent Date: 02/24/2005 (374234)
 No DOV Associated
 Notice of Intent Date: 09/21/2005 (434811)
 Disclosure Date: 03/07/2006
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter C 305.44
 Rqmt Prov: PERMIT TPDES permit 02484
 Description: Failure to amend TPDES permit.
 Viol. Classification: Moderate
 Citation: 40 CFR Chapter 414, SubChapter N, PT 414, SubPT J 414.101
 40 CFR Chapter 414, SubChapter N, PT 414, SubPT A 414.11
 Description: Failure to adequately characterize wastewater discharge streams to ensure that any toxic pllutants do not exceed the limitations prescribed in the subpart.
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 331, SubChapter D 331.64(a)
 Description: Failure to sample for all specific parameters during annual underground injection well sampling.
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 331, SubChapter D 331.64
 Rqmt Prov: PERMIT WDW 219
 Description: Failure to adequately implement underground injection well monitoring requirements.
 Viol. Classification: Moderate

Citation: 30 TAC Chapter 331, SubChapter D 331.63(f)

Description: Failure to adequately test and calibrate on a quarterly basis manual gauges that could be used to monitor underground injection wells.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter R 335.513(c)

Description: Failure to maintain all required waste stream documentation.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)

Description: Failure to complete required weekly inspections for all < 90 day hazardous waste storage areas looking for leaks and for deterioration caused by corrosion or other factors.

Notice of Intent Date: 06/22/2006 (486718)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

**Addendum to Compliance History
Federal Enforcement Actions**

CUSTOMER (Defendant): CHEVRON PHILLIPS CHEMICAL COMPANY L.P.
REGULATED ENTITY: PHILLIPS CHEMICAL COMPANY PHILTEX RYTON COMPLEX
REG. ENTITY ADDRESS: SPUR 119 EAST
REG. ENTITY CITY: BORGER

CUSTOMER NO.: CN600303614
REG. ENTITY NO.: RN102320850

Violations

EPA CASE NO.:	06-1999-0173	CLASSIFICATION:	MODERATE
ORDER ISSUED DATE (YYYYMMDD):	19990331	STATUTE:	CWA
ENFORCEMENT ACTION TYPE:	Administrative Penalty Order	SECT. OF STATUTE:	301
CASE RESULT:	Final Order With Penalty	CITATION:	
		CITE PART:	
		CITE SECT.:	
		PROGRAM:	NPDES - Other Unpermitted Discharge
		VIOLATION TYPE:	Effluent Limit Viol./not otherwise spec.

EPA CASE NO.:	06-2002-1796	CLASSIFICATION:	MAJOR
ORDER ISSUED DATE (YYYYMMDD):	20030401	STATUTE:	CWA
ENFORCEMENT ACTION TYPE:	Administrative Penalty Order	SECT. OF STATUTE:	301
CASE RESULT:	Final Order With Penalty	CITATION:	
		CITE PART:	
		CITE SECT.:	
		PROGRAM:	NPDES - Other Unpermitted Discharge
		VIOLATION TYPE:	Discharge/Emission/Activity w/out Permit

EPA CASE NO.:	06-2002-1796	CLASSIFICATION:	MODERATE
ORDER ISSUED DATE (YYYYMMDD):	20030401	STATUTE:	
ENFORCEMENT ACTION TYPE:	Administrative Penalty Order	SECT. OF STATUTE:	
CASE RESULT:	Final Order With Penalty	CITATION:	
		CITE PART:	
		CITE SECT.:	
		PROGRAM:	
		VIOLATION TYPE:	Stormwater Overflows

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 SEP 22 AM 11:22

CHIEF CLERKS OFFICE

IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CHEVRON PHILLIPS CHEMICAL
COMPANY LP
RN102320850

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2008-0230-IHW-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Chevron Phillips Chemical Company LP ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant at Spur 119 North, 3 miles northeast of Borger, Hutchinson County, Texas (the "Facility").
2. The Facility involves or involved the management of industrial hazardous waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about January 23, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Thirty-Six Thousand Nine Hundred Seventy-Four Dollars (\$36,974) is assessed by the Commission in settlement of the violations alleged in Section

II ("Allegations"). The Respondent has paid Fourteen Thousand Seven Hundred Ninety Dollars (\$14,790) of the administrative penalty and Seven Thousand Three Hundred Ninety-Four Dollars (\$7,394) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Fourteen Thousand Seven Hundred Ninety Dollars (\$14,790) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent clearly marked the start date of accumulation on three 55-gallon drums containing universal waste on December 13, 2007. The TCEQ received documentation on December 13, 2007 from the Respondent of the corrective action taken.
10. The Executive Director recognizes that the Respondent sent documentation via electronic-mail on February 19, 2008 of new procedures designed "to prevent someone from dumping the lugger until approvals are received."
11. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
12. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
13. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to prevent the unauthorized disposal of industrial hazardous waste, in violation of 30 TEX. ADMIN. CODE § 335.4, as documented during an investigation conducted on December 12, 2007. Specifically, 8,300 pounds of D003 reactive sulfide was placed into an unpermitted, off-site, industrial, non-hazardous Class I landfill owned and operated by Conoco Phillips.
2. Failed to label or mark clearly with any one of the following phrases: "Universal Waste – Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)" each lamp or a container or package in which

such lamps are contained and failed to be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received by placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received, in violation of 40 CODE OF FEDERAL REGULATIONS §§ 273.34(e) and 273.35(c)(1) and 30 TEX. ADMIN. CODE § 335.261(a), as documented during an investigation conducted on December 12, 2007. Specifically, three drums in the container storage area containing mercury-containing light bulbs were not labeled "Universal Waste - Lamps" and were not clearly labeled with the beginning date of accumulation.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Chevron Phillips Chemical Company LP, Docket No. 2008-0230-IHW-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Fourteen Thousand Seven Hundred Ninety Dollars (\$14,790) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Develop and implement procedures to ensure that all wastes generated at the Facility are transported to and disposed of at facilities permitted to accept them;
 - ii. Develop and implement procedures to ensure that containers containing universal waste have the beginning date of accumulation clearly marked and visible for inspection;

- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Waste Section, Manager
Amarillo Regional Office
Texas Commission on Environmental Quality
3918 Canyon Drive
Amarillo, Texas 79109-4933

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent

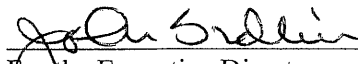
receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

9/4/2008
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

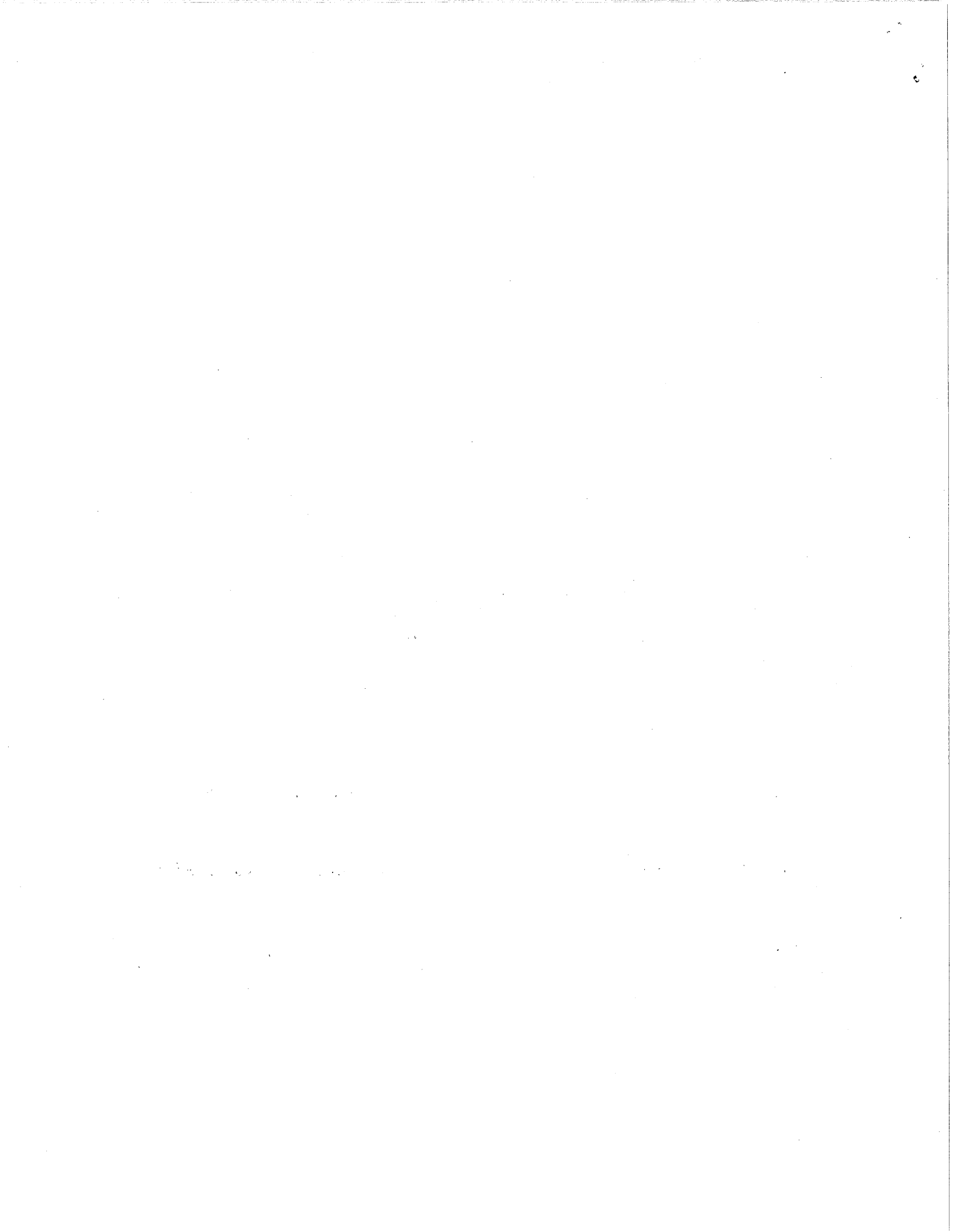

Signature

21 MAY 2008
Date

DP DIGMAN
Name (Printed or typed)
Authorized Representative of
Chevron Phillips Chemical Company LP

PLANT MANAGER
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.



Attachment A
Docket Number: 2008-0230-IHW-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Chevron Phillips Chemical Company LP
Payable Penalty Amount:	Twenty-Nine Thousand Five Hundred Eighty Dollars (\$29,580)
SEP Amount:	Fourteen Thousand Seven Hundred Ninety Dollars (\$14,790)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Unauthorized Trash Dump Clean-Up
Location of SEP:	Hutchinson County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to coordinate with city and/or county governmental officials regarding the clean up of sites where trash has been disposed of illegally. Eligible sites will be limited to those where a responsible party can not be identified and where there is no pre-existing obligation to clean up the site by the owner or the government. Additionally, reasonable efforts must have already been taken to prevent the dumping. SEP monies will be used to pay for the direct cost of collection and disposal of debris. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by helping rid communities of the dangers and health threats associated with non-regulated trash dumps which contaminate air and water, and harbor disease carrying animals and insects.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

